

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAR 15 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. S2-4:16CR-0512 HEA
)
JAMES RICKY JOHNSON JR.,)
)
Defendant.)

SECOND SUPERCEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
 - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A)); and

- (c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6));
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about January 1, 2014 and on or about November 6, 2016, in the Eastern District of Missouri, and elsewhere,

JAMES RICKY JOHNSON JR.,

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, A.K., to engage in sexually explicit conduct, specifically, James Ricky Johnson produced images of A.K. in a lascivious display of her genitals, and said sexually explicit conduct was for the

purpose of producing a visual depiction of such conduct, to wit: images of A.K. in a lascivious display of her genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone, camera, and Hotmail email account.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2014 and on or about November 6, 2016, in the Eastern District of Missouri, and elsewhere,

JAMES RICKY JOHNSON JR.,

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, A.K., to engage in sexually explicit conduct, specifically, James Ricky Johnson produced images of A.K. engaging in oral sex, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: an image of minor child, A.K., engaging in oral sex, and such depiction was produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone, camera, and Hotmail email account.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2014 and on or about November 6, 2016, in the Eastern District of Missouri, and elsewhere,

JAMES RICKY JOHNSON JR.,

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, A.K., to engage in sexually explicit conduct, specifically, James Ricky Johnson produced images where he is touching A.K.'s genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: an image where he is touching A.K.'s genitals, and such depiction was produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone, camera, and Hotmail email account.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2016, and on or about November 6, 2016, in the Eastern District of Missouri, and elsewhere,

JAMES RICKY JOHNSON JR.,

the defendant herein, did knowingly possess material that contains an image and video of child pornography that was produced using materials that traveled in interstate and foreign commerce,

to wit, Western Digital Hard Drive, that was produced outside of Missouri and therefore has traveled in interstate and foreign commerce, and said hard drive contained child pornography, including but not limited to the following:

1. "0_948.jpg" – a graphic image file of a prepubescent minor female performing oral sex on a male;
2. "048.jpg" – a graphic image file of a male attempting to penetrate the genitals of a prepubescent minor female;
3. "240x240_60130180a441fbf67009.jpg" – a graphic image of a penis ejaculating onto a minor prepubescent female's chest;
4. "240x240_60130180a441fbf67009.jpg" – a graphic image file of a prepubescent female touching a penis.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

A TRUE BILL.

FOREPERSON

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